

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DALE FREEMAN,

Plaintiff,

v.

SCOTT L. HOLMES, et al.,

Defendants.

Case No. 1:19-cv-728

HON. JANET T. NEFF

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant David Kimmel filed a Motion for Summary Judgment (ECF No. 38). Defendants Scott Holmes, M.D., and Kyle Sperling, P.A. filed a Motion for Summary Judgment (ECF No. 40). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on May 19, 2021, recommending that this Court grant the motions and dismiss with prejudice Plaintiff's Complaint (ECF No. 55). The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1); W.D. Mich. LCivR 73.2(b). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 55) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motions for Summary Judgment (ECF Nos. 38 & 40) are GRANTED.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith because Plaintiff failed to file any

objections. See *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: June 15, 2021

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge